

House File 463 - Introduced

HOUSE FILE _____
BY FORD

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act requiring inspections for lead-based paint hazards prior
2 to the sale of housing built before 1978.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4 TLSB 1982HH 82
5 av/es/88

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1 1 Section 1. Section 558.69, Code 2007, is amended to read
1 2 as follows:
1 3 558.69 REPORTING OF PRIVATE BURIAL SITES, WELLS, DISPOSAL
1 4 SITES, UNDERGROUND STORAGE TANKS, LEAD=BASED PAINT HAZARDS,
1 5 AND HAZARDOUS WASTE == LIABILITY.
1 6 1. With each declaration of value submitted to the county
1 7 recorder under chapter 428A, there shall also be submitted a
1 8 statement regarding whether any known private burial site is
1 9 situated on the property, and if a known private burial site
1 10 is situated on the property, the statement shall state the
1 11 approximate location of the site.
1 12 a. The statement shall also state that no known wells are
1 13 situated on the property, or if known wells are situated on
1 14 the property, the statement must state the approximate
1 15 location of each known well and its status with respect to
1 16 section 455B.190 or 460.302.
1 17 b. The statement shall also state that no known disposal
1 18 site for solid waste, as defined in section 455B.301, which
1 19 has been deemed to be potentially hazardous by the department
1 20 of natural resources, exists on the property, or if such a
1 21 known disposal site does exist, the location of the site on
1 22 the property.
1 23 c. The statement shall additionally state that no known
1 24 underground storage tank, as defined in section 455B.471,
1 25 subsection 11, exists on the property, or if a known
1 26 underground storage tank does exist, the type and size of the
1 27 tank, and any known substance in the tank.
1 28 d. For housing that was built before 1978, the statement
1 29 shall also state that the housing has been tested by a person
1 30 who has been certified by the department of public health to
1 31 perform lead-based paint hazard testing and either found to
1 32 have no lead-based paint hazards within the meaning of the
1 33 federal Residential Lead-based Paint Hazard Reduction Act of
1 34 1992, 42 U.S.C. } 4851=4855, and amendments thereto, or found
1 35 to meet the requirements of the maintenance standard. For
2 1 purposes of this paragraph, "maintenance standard" means any
2 2 of the following: repairing and repainting areas of
2 3 deteriorated paint inside a dwelling, cleaning the interior of
2 4 the dwelling to remove dust that constitutes a lead poisoning
2 5 hazard, adjusting doors and windows in the dwelling to
2 6 minimize friction or impact on surfaces, or providing the
2 7 purchaser of the dwelling with all information required
2 8 pursuant to the federal Residential Lead-based Paint Hazard
2 9 Reduction Act of 1992, 42 U.S.C. } 4851=4855, and amendments
2 10 thereto.
2 11 e. The statement shall also state that no known hazardous
2 12 waste as defined in section 455B.411, subsection 3, or listed
2 13 by the department pursuant to section 455B.412, subsection 1,
2 14 exists on the property, or if known hazardous waste does
2 15 exist, that the waste is being managed in accordance with
2 16 rules adopted by the department of natural resources.
2 17 2. The statement shall be signed by at least one of the
2 18 seller or their agents. The county recorder shall refuse to
2 19 record any deed, instrument, or writing for which a
2 20 declaration of value is required under chapter 428A unless the

2 21 statement required by this section has been submitted to the
2 22 county recorder.

2 23 3. A buyer of property shall be provided with a copy of
2 24 the statement submitted, and, following the fulfillment of
2 25 this provision, if the statement submitted reveals no private
2 26 burial site, well, disposal site, underground storage tank,
2 27 lead-based paint hazards, or hazardous waste on the property,
2 28 the county recorder may destroy the statement. The land
2 29 application of sludges or soils resulting from the remediation
2 30 of underground storage tank releases accomplished in
2 31 compliance with department of natural resources rules without
2 32 a permit is not required to be reported as the disposal of
2 33 solid waste or hazardous waste.

2 34 4. If a declaration of value is not required, the above
2 35 information shall be submitted on a separate form. The
3 1 director of the department of natural resources shall
3 2 prescribe the form of the statement and the separate form to
3 3 be supplied by each county recorder in the state. The county
3 4 recorder shall transmit the statements to the department of
3 5 natural resources at times directed by the director of the
3 6 department.

3 7 5. The owner of the property is responsible for the
3 8 accuracy of the information submitted on the form. The
3 9 owner's agent shall not be liable for the accuracy of
3 10 information provided by the owner of the property. The
3 11 provisions of this ~~paragraph~~ subsection do not limit liability
3 12 which may be imposed under a contract or under any other law.

3 13 EXPLANATION

3 14 This bill requires that each declaration of value submitted
3 15 to the county recorder in connection with a real estate
3 16 transfer of housing built before 1978 must include a statement
3 17 that the housing has been tested for lead-based paint hazards
3 18 by a certified inspector and either is free of such hazards
3 19 within the meaning of the federal Residential Lead-based Paint
3 20 Hazard Reduction Act of 1992, 42 U.S.C. } 4851-4855, and
3 21 amendments thereto, or meets the requirements of the
3 22 maintenance standard.

3 23 "Maintenance standard" means any of the following:
3 24 repairing and repainting areas of deteriorated paint inside a
3 25 dwelling, cleaning the interior of the dwelling to remove dust
3 26 that constitutes a lead poisoning hazard, adjusting doors and
3 27 windows in the dwelling to minimize friction or impact on
3 28 surfaces, or providing the purchaser of the dwelling with all
3 29 information required pursuant to the federal Residential
3 30 Lead-based Paint Hazard Reduction Act of 1992, 42 U.S.C. }
3 31 4851-4855, and amendments thereto.

3 32 LSB 1982HH 82

3 33 av:nh/es/88